

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

ETHAN THOMAS,
Plaintiff

V.

NEW ENGLAND FAST FERRY OF
MASSACHUSETTS, LLC,
Defendant

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)
)
) Civil Action

)
) No. 05-11443-GAO
)
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)
)

PLAINTIFF'S MOTION IN LIMINE REGARDING PLAINTIFF'S RECEIPT OF
COLLATERAL SOURCE BENEFITS

NOW COMES the Plaintiff, and states as follows:

The Plaintiff was injured in the course of his employment with the Steamship Authority, and so received workers' compensation benefits. Such benefits constitute collateral source benefits. See Tipton v. Socony Mobil Oil Company, 375 U.S. 34, 84 S.Ct. 1 (1963); Eichel v. New York Central Railroad Co., 375 U.S. 253, 84 S.Ct. 316 (1963). The jury may not be made aware of any collateral source benefits because such evidence "involves a substantial likelihood of prejudicial impact," Eichel, 375 U.S. at 255, 84 S.Ct. at 317; Fed. R. Evid. 403, and the admission of such evidence has been unequivocally held to constitute reversible error. Tipton, 375 U.S. at 37, 84 S.Ct. at 3; Eichel, supra.

WHEREFORE, the Plaintiff respectfully requests that the Defendant, its witnesses and its counsel be barred from mentioning, referring to, offering any evidence on, or from questioning any witness as to any collateral source benefits received by or applied for by the Plaintiff.

Respectfully submitted for the
the Plaintiff, by his attorney,

/s/ David J. Berg, Esq.
David J. Berg, Esq.
Latti & Anderson LLP
30-31 Union Wharf
Boston, MA 02109
(617) 523-1000

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the within document with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

/s/ David J. Berg, Esq.
David J. Berg, Esq.
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30-31 Union Wharf
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Dated: July 9, 2007